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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,414	07/25/2001	Aloke Gupta	10005010-1	9253

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER  
LE, KAREN L

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/915,414

Applicant(s)

GUPTA, ALOKE

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Applicant's amendment filed on June 27, 2005 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-31 are still pending in this application, with claims 1, 10, 15, 23 and 29 being independent.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8, 10-11, and 13-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. (U. S. 6,636,203).

Regarding claims 1, 10, 15 and 24 Wong teaches a communications device (Fig. 5A) comprising:

- a transmitter that converts electrical representations of aural signals into signals for transmission over a medium (Col. 4, lines 38);
- a receiver that receives communication signals for conversion into representations of aural signals (fig. 7b, item A);
- a touch-screen display comprising icons representing numbers that are used to enter at least a number in response to a contact area, on the display, over a particular icon to be entered (Fig. 7B, item 301), and
- a controller, coupled to the transmitter, the receiver, and the touch-screen display, the controller controlling the communications device and comprising an apparatus that generates the icons representing numbers for display on the touch-screen display, the controller additionally comprising an apparatus that generates an accumulated telephone number in response to the particular icons contacted on the touch-screen display (Fig. 2, item 201).

Regarding claim 2, wong further teaches the communications device of claim 1 wherein the controller is a microprocessor (Fig.2, item 201).

Regarding claim 3, wong further teaches the communications device of claim 1 wherein the medium for transmission is a wireless channel (Col. 5, lines 27-30).

Regarding claim 4, wong further teaches The communications device of claim 1 and further including a microphone for generating, from speech, electrical representations of aural signals for transmission (fig. 7b, item microphone).

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Regarding claim 5, wong further teaches the communications device of claim 1 and further including a speaker (Fig. 7b, item A) for generating aural signals from received electrical representations of aural signals .

Regarding claim 6, wong further teaches the communications device of claim 1 wherein the communications device comprises a telephone and a personal digital assistant (Col. 3, lines 23-29).

Regarding claims 7-8, 13-14, and 16-17 and 20, wong further teaches The communications device of claim 6 wherein a telephone mode of operation is selected by contact of an icon, generated by the controller, representing the telephone mode (Col. 4, lines 30-47).

Regarding claim 11, Wong further teaches the wireless radiotelephone of claim 10 wherein the wireless channel is a code division multiple access air interface channel. It is inherent that the simultaneous communication share the same frequency allocation to improve system quality, thus channel have more bandwidth capacity.

Regarding claims 18 and 31, Wong further teaches transmitting the telephone number to a central switch for dialing. It is obvious to transfer the call to the MTSO or MSC for relaying call.

Regarding claims 19-20 and 21, Wong further teaches the buttonless communications device receiving an incoming call; and indicating the incoming call by an alert indication. It is obvious to notify a user incoming call using different kind of alert base on user's preference.

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Regarding claim 22, Wong further teaches switching to a telephone book mode; finding a desired telephone number for calling; and initiating a telephone call by contact with the desired telephone number. It is obvious to go phone book to choose the desired telephone number.

Regarding claims 23, 25-27, 28 and 29, Wong further teaches a communications device that transmits and receives communication signals, the communications device comprising:

a tactile response, touch-screen display comprising dynamically activated tactile elements (Col. 5, lines 16-27); and a controller (Fig. 2, item 207), coupled to the tactile response, touch-screen display, the controller controlling operation of the communications device including dynamically activating the tactile elements, the controller comprising means to generate icons representing data for display on the touch-screen display (fig. 7B, item 301).

Regarding claim 30, Wong further teaches the step of displaying the telephone number generated by the selection of particular data icons (Fig. 7B, item 301 and Fig. 8, item 205).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (U. S. 6,636,203) in view of Towle (U. S. 6,522,765).

Regarding claims 9 and 12, Wong does not teach the communications device comprising: a headset, a speaker for generating aural signals from received electrical representations of aural signals; a microphone for generating, from speech, electrical representations of aural signals for transmission; and a low power transceiver that couples the headset to the communications device. However, Towle teaches a headset, a speaker for generating aural signals from received electrical representations of aural signals; a microphone for generating, from speech, electrical representations of aural signals for transmission (Col. 1, lines 48-49); and a low power transceiver that couples the headset to the communications device (Col. 1, lines 55-60). Towle teaches a headset comprises a microphone and an earpiece. The headset is worn on the user's head in such a manner to enable the earpiece to be positioned over one of the employee's ears and to position the microphone generally near the employee's mouth. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Towle's feature into Wong's system in order to have the wireless radiotelephone comprise a headset.

### ***Response to Arguments***

5. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Wong et al. (U.S. 6,636,203). While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The 1.131 Declaration has no nexus to many claimed features such as: a controller controlling the communications device and comprising an apparatus that generates the icons representing numbers for display on the touch-screen display. Claimed features such as a speaker, a microphone and a low power wireless transceiver are not even mentioned in the 1.131 declaration.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le  
KLL

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September 16, 2005

A handwritten signature in black ink, appearing to read "Ahmad F. Matar". The signature is fluid and cursive, with the first name "Ahmad" being more prominent than the last name "Matar".

AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700